

**MINUTES
PLANNING BOARD
TUESDAY, MARCH 24, 2015
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

PRESENT: Chairman Steve Lee; Vice-chair: Rob Markiewicz; Members David Pratt, Eric Johnson; Alternate members Barbara Dement and David Barley; Town Attorney Craig Buie; Youth Voice Benjamin Dodson; Planning Director Kathi Ingrish, Planner II/Zoning Administrator Mary Jo Gollnitz and Zoning Technician/Deputy Town Clerk Betty Lynd.

ABSENT: Members Gary Turner, Eric Welsh, and Michael Ham.

CALL TO ORDER

Chairman Steve Lee called the meeting to order at 7:05 p.m.

Mr. Lee stated that there were three regular members absent, so both alternates, Ms. Barbara Dement and Mr. David Barley, would need to be voted in as voting members. Mr. David Pratt made a motion to appoint the two as voting members. Mr. Rob Markiewicz seconded the motion. The motion passed unanimously.

ADMINISTRATIVE AMENDMENT- Eden Hall, Removal of Trees, Replacement of Public Sidewalk Along Fullwood Lane Frontage

Ms. Mary Jo Gollnitz stated that Eden Hall was a rezoning petition approved in July of 2014. One of the conditional notes listed on the rezoning approval stated that the petitioner would create an appropriately landscaped corridor along Fullwood Lane that utilized existing vegetation to the greatest extent possible to maintain the natural character of the corridor. Ms. Gollnitz stated that during the review process for the Sketch Site Plan and Development Plan that is reviewed by the Town and Mecklenburg County, it was noticed that existing trees were removed and the existing sidewalk would be removed and replaced with a straight sidewalk along Fullwood Lane. Staff then advised the applicant that this change would need to be brought before the Planning Board as an Administrative Amendment. The Town of Matthews Unified Development Ordinance provides three levels of approval for an Administrative Amendment. These three are staff review, Planning Board action, and Town Board of Commissioners action. Ms. Gollnitz stated that staff is very aware of the public attachment to the sidewalk as it runs through the trees. It was Staff's feelings that this matter should be brought before the board and encouraged the applicant to submit the application for this Administrative Amendment. Ms. Gollnitz stated that while the Planning Board may take action on this matter, the board could also make a recommendation for the Town Board of Commissioners to take final action. There was quite a bit of discussion during the public hearing, Planning Board meeting, and decision by the Town Board concerning treescape along Fullwood Lane.

Mr. Lee asked how the removal of the existing trees meshed with the Town's tree ordinance. Ms. Gollnitz stated that the petitioner would have to replace all of the trees and the applicant has indicated that they are willing to do that. The Unified Development Ordinance says to save existing trees when possible. The applicant has provided photos of the site. Staff understands that some trees needed to be removed for access to the subdivision.

Mr. Barley stated that his question might be better suited for the applicant, but wanted to know if there was a logistical reason for removing the trees. Ms. Gollnitz stated that she would allow the applicant to answer that question.

Mr. Pratt asked if the Planning Board makes a recommendation to the Town Board of Commissioners, could the Commissioners call for a public hearing on the matter. Ms. Gollnitz stated it would be more like a public input session as opposed to a public hearing.

Mr. Lee asked if staff had already received any public input. Ms. Gollnitz indicated that staff has not.

The applicant, Mr. Mel Graham, of 2701 Coltsgate Road, Charlotte, stated that what they are proposing now is essentially what was approved through the rezoning process. Once engineering on the project began, they

realized that there was a huge elevation grade difference between Fullwood Lane and the project. Because of the grade issue, the entrance to the project would take up 100 feet. Mr. Graham stated that they have spoken with a landscaping expert who stated that the existing trees were not of any special species. He also stated, while showing photographs to the board, that the existing trees and sidewalk were well loved by the public, but are in much disrepair. Mr. Graham stated that everyone consulted decided that removing the existing trees and creating a new sidewalk was the only course of action that made sense. It is in the best long-term interest of the project and the surrounding area. The proposed town homes are going to be very high end at the \$400,000 to \$500,000 price range, so the landscaping to the project must be done extraordinarily well. It would be difficult to tie-in the existing landscape to the new vegetation, so that is why the applicant made the decision to remove the trees. Mr. Graham stated that their proposed plan would far exceed the Town of Matthews Tree Ordinance. Referring to the photograph on screen, Mr. Graham stated that the larger trees would be lifelong trees, such as oak trees. The new sidewalk would be a straight sidewalk that would be wider and more level than the existing sidewalk. The new sidewalk would tie into the existing sidewalk at the corner of the property.

Ms. Dement stated that as an employee of Plantation Estates, she walks the current path on her lunch breaks and it is crumbling and unsafe for the public. She stated that most citizens enjoy the wandering of the path. She asked if the sidewalk would only be completely straight on this project's property. Mr. Graham stated that the photograph was the current proposal. He stated that if it was feasible with engineering, they would be open to giving the path some slow curves. Ms. Dement stated that she thought citizens would enjoy that because it is part of the charm of walking along the path. Mr. Graham stated that there should be enough width available to avoid keeping the path straight. He suggested something similar to a golf path with a little motion. He reminded the board that this project will also connect a trail all the way from Bubbling Well Road.

Mr. Markiewitz asked if trees would be planted on both sides of the proposed pathway. Mr. Graham explained that the larger trees will be on the left side and smaller trees would line the right side, providing a shade canopy over the path. Keith Cooper, the engineer with the applicant, stated that by giving the path gentle curves, the trees could also move with the path. Mr. Graham stated that the trees planned will be canopy trees to provide a shady walk. Mr. Markiewitz asked if the applicant had committed to a certain species of tree. Mr. Graham stated that the species they would ultimately choose would exceed the Town's requirements. Mr. Barley asked if there was a specific caliper tree that Mr. Graham had in mind. Mr. Graham answered that he believed the Town's requirement was a 2 inch (2") caliper, but they would be willing to commit to a 3 or 4 inch (3"-4") caliper. Mr. Lee asked if that information was currently documented on the site plan. Mr. Graham stated that the only thing documented is that they must meet the Town's standards.

Mr. Markiewitz asked if the board's recommendation would only pertain to this site. Ms. Ingrish stated that this is site specific. Ms. Gollnitz clarified that it is an Administrative Amendment for this site only.

Mr. Pratt asked the distance from the curb to the wall. Mr. Graham stated at least 30, possibly closer to 40 feet in some areas.

Mr. Lee opened the floor for discussion. Mr. Lee stated that he appreciated the improvements the applicant is trying to make to the area. He agreed with Ms. Dement about avoiding the completely straight sidewalk. Mr. Lee stated that he did not see an issue with recommending that this amendment go forward to the board with the considerations of curving the sidewalk and a certain caliper of tree. He also suggested asking for some type of public hearing or input. Tree saving can be a sensitive topic amongst the public.

Ms. Dement stated that any time we give the citizens a chance to voice their opinions is great because while many citizens might not show up to this particular public hearing, the citizens appreciate their opinions being valued.

Mr. Lee asked for clarification of the UDO. He asked if these types of things will always go by right to the Town Board for final approval. Ms. Gollnitz stated that it depends on what the Administrative Amendment is changing. Because this was such a visible project and is widely used by the citizens, Staff was not comfortable making a decision at their level, therefore they brought it before the Planning Board to take action or make a recommendation to the Town Board. Mr. Lee asked if the Planning Board could take action and vote to approve it tonight. Ms. Gollnitz stated that was correct. Mr. Lee stated that he agreed with staff that it should go before the Town Board.

Mr. Markiewitz stated that the recommendation should also include a size caliper tree that the board would be comfortable with. Ms. Dement stated that the movement of the path should also be included.

Mr. Eric Johnson stated that what the applicant has proposed is greater than what is required of them by the UDO. Mr. Barley stated that recommending a certain caliper tree would mitigate the removal of some of the larger existing trees.

Ms. Dement stated that it was possible that some of the existing trees were aging out anyways. Having an opportunity at this time to plant lifelong new trees could be a great thing.

Mr. Barley asked if any existing trees had been deemed by the Staff as larger, stable trees. He wanted to know to what extent are the age or width of the trees that would be lost out there. Ms. Gollnitz pulled up a street view of the property for the board to look at. Mr. Barley stated that it looked like the existing trees were not too old or rare of a species.

Mr. Lee asked for clarification of what a recommendation from the Planning Board could be. Could the board make a recommendation that the Town Board take action with possible public input and certain conditions such as a wandering path and the caliper of trees required? Ms. Ingrish stated that the board could recommend conditions, public input, etc. to any extent that would please the board.

Mr. Johnson made a motion that the requested Administrative Amendment is consistent with the Town's policies, but recommends the Town Board take action with consideration for a public hearing, at least 3 ½ inch (3 ½") caliper trees, and a curving path to provide greater aesthetic view and pleasurable walkability. The motion was seconded by Ms. Dement. The motion carried with a unanimous vote.

Mr. Barley asked if this was par for the course for Administrative Amendments. Ms. Dement commented that during the public hearing for the rezoning there was much citizen discussion concerning tree save. Mr. Markiewitz stated that the Planning Board is not just pushing this off to the Town Board. The Planning Board has taken a stand on what they would like to see, but is recommending that the Town Board take action in order to receive additional citizen or board input. Mr. Lee stated that this option is available within the new UDO. In the past, the Planning Board would have been forced to take action. With this option, there is time to digest the information and receive further clarification on their concerns as a board.

Mr. Barley asked how, short of advertisement and a public hearing, would public input occur on this matter. Ms. Ingrish stated that the UDO allows for two options. The Town Board could schedule a time for public input or the Town Board could allow the applicant to schedule a community meeting before this comes before the Town Board. There are three weeks in between tonight's meeting and the next Town Meeting which would be a great opportunity for the second option. Ms. Dement stated that it is also possible for citizens to send e-mails to the Board's Matthews e-mail accounts to have their voices heard.

REVIEW AND RECOMMENDATION ON FUTURE SMALL AREA PLAN PRIORITIES

Ms. Ingrish stated that two small area plans were begun once the UDO was adopted. Two plans have been completed and Staff knows that there are several more possibilities for future plans. These plans are being done as addendums to the Land Use Plan and are developed for specific geographic locations. This list was created several years ago and consists of options for small area plans to begin next. The first five are what Staff considers the highest priorities and what would most likely be needed going forward. The rest are other available options. Ms. Ingrish stated that the geographic boundaries of these options were not set in stone, however if several options were combined, the geographic location would become too large for the plan to be completed in-house by Staff. Staff is assuming that future small area plans will be completed in-house. Staff's workload is back to pre-recession development and these plans would be an additional project. Ms. Ingrish stated that each small area plan will be headlined by a particular planner and Staff plans to complete these on a rotating schedule.

Ms. Ingrish stated that the first option is East John Street/I-485/CSX Railroad/Mecklenburg County Line boundaries. This plan could include both sides of East John Street up to the railroad tracks up to the County

Line. Two-thirds of the properties within this area have been brought to Staff by developers or property owners within the last year. That makes Staff think that this is a very desirable area for development. East John Street is on NCDOT's radar for widening. Campus Ridge Road's construction also adds to the desirability. That construction is slated for late summer 2015. There are no adequate utilities in the area at the present time, so development will need to be very large or very minimal. Very large development will make it worthwhile to extend utilities and that will open the floodgate for development. Staff's perspective is that this will be a priority to complete a plan before this mass amount of development begins.

Ms. Ingrish explained that a second option is the East John Street corridor coming back towards downtown Matthews due to East John Street's widening. Greylock Ridge Road's construction would hopefully connect East John Street to the Sportsplex and Entertainment District, making it desirable for development as well.

Ms. Ingrish stated that a third possible plan is the future Northeast Parkway area between Matthews Township Parkway and Matthews-Mint Hill Road. Northeast Parkway and Independence Pointe Parkway are parallel collector roads to Independence Boulevard. Independence Boulevard is to be converted to six general purpose lanes, and one or two managed/toll lanes in each direction. It will be a barrier to Matthews in the future. Ways for citizens to get around in Matthews without having to get on Independence Boulevard will require Northeast Parkway and Independence Pointe Parkway. Northeast Parkway will come out across from Moore Road. Because there is no date slated for construction, Staff has had development interest, but not as much as some other areas listed. There is no discussion on mass transit or high density development here as much as the other side of Independence Boulevard.

Ms. Dement asked if anything had been scheduled for Independence Pointe Parkway behind Harris Teeter and Home Depot. She stated it would seem like the biggest relief valve from Independence Boulevard. Ms. Ingrish stated that Matthews and Charlotte are both pushing for these parallel collector roads to be built due to the expansion of Independence Boulevard. There has been pushback from some Federal agencies. The Town Planning Staff has been pushing the parallel road concept for over twenty years. Ms. Ingrish stated that when Matthews Festival Shopping Center was initially zoned in 1984, it consisted of several properties. This project built the first section of Matthews Township Parkway into a T-intersection with Independence Boulevard. This rezoning is what made Matthews Township Parkway an area for development instead of Matthews-Mint Hill Road. It also started the concept of a fly-over at NC 51 (Matthews Township Parkway) when it extended to the other side of Independence Boulevard. This interchange area was built and paid for mostly by the developers of the Sycamore Commons area. Ms. Ingrish explained that Independence Pointe Parkway behind Home Depot and Harris Teeter was unfortunately created one year prior to the formal adoption of the Parallel Collector Roads Plan. The land is still there, but it is not considered right-of-way today. Because the land is steep, Duke Power has transmission lines along the land, and there is a creek, it will be much more difficult to squeeze a road into the area. It is still a project that the Town deems necessary, but the Town cannot afford to build the road with all of those issues. This is why the Town is pushing for state and federal help.

Ms. Dement asked if the protected buzzards that roost along the area would cause problems with extending Independence Pointe Parkway. Ms. Ingrish said that she did not have an idea on how that obstacle would be tackled.

Mr. Lee asked if the presented list is in order of priority. He stated that it seemed like they were in order of priority, but that Northeast Parkway seemed like the least likely to come to fruition at the moment. Ms. Ingrish stated that the top one is the Staff's best pick. The rest are not in any particular order.

Mr. Johnson asked Ms. Ingrish to explain her thoughts on the fifth option, which is the redevelopment options along Independence Boulevard as it converts from full to limited access. He stated that he drives Independence Boulevard on a daily basis and we should look at Matthews' future separate from Charlotte and what could happen to the Town once changes to Independence are completed. He asked what could be done about Matthews' future because he envisioned a larger Independence Boulevard causing commuters to just fly by Matthews without entering the Town to explore. Ms. Ingrish stated that ULI did a study a couple of years ago primarily for Charlotte concerning Independence Boulevard. The study stated that Independence Boulevard could not be so many things: local road, managed toll lanes, future mass transit, and truck route. That is when mass transit was taken off the center median of Independence Boulevard in Charlotte. In Matthews, mass transit was always going to be centered on Independence Pointe Parkway. This is another reason why it is an

important parallel collector road. Ms. Ingrish stated that what she means by removing mass transit is a separate lane dedicated to a rubber tire bus, light rail, etc. As far as road projects, there is construction being completed on Independence Boulevard at Idlewild. The state is working on environmental plans on the last six miles of Independence Boulevard from there to I-485. There is a toll road (Monroe Bypass) in Union County coming back to the existing alignment at I-485. In Stallings, this will be a double decker system with the toll lanes being on top, what will then become 74 Business on the bottom. They have looked at the double decker system in Matthews because the topography of our land could allow for that in some areas. The issues with this is that there are toll lanes coming from all areas into Matthews. Toll roads will be necessary to accommodate continuation on the last six miles of Independence Boulevard. That will just be through traffic that is only concerned with getting past Matthews. The Town also wants to accommodate traffic that does want to come into Matthews. This is why the parallel collector roads and access to Independence Boulevard are critical. Ms. Ingrish stated that right now, the only access to Independence Boulevard is Sardis Road North, which will be an interchange continuing over Independence and connecting with Northeast Parkway, and the existing Sam Newell Road intersection will become a flyover. The flyover will not connect to Independence Boulevard. A second access would be NC 51 interchange, which will have to be reworked to accommodate the additional lanes on Independence Boulevard. Matthews-Mint Hill will become a flyover like Sam Newell. Interstate 485 will remain an interchange, but will have extra ramps for toll lanes and Monroe Bypass, etc. We will push for any access in and out of Independence Boulevard for the general traffic. Windsor Square Drive is a possibility. Something in the Sportsplex area could be a possibility. Ms. Ingrish stated that most of Independence Boulevard is a 200 foot right-of-way. Staff has been reserving a more than 300 foot right-of-way. Charlotte is reserving 280 feet in most places. Because the Town has known about the parallel road collector system for some time, Staff has been requiring temporary driveway cuts with the knowledge that Independence access could be lost. Other projects have been gaining access to other streets instead of exclusively using Independence Boulevard. All the car dealerships have cross access easements to the future parallel connector roads that do not exist yet. The Town hopes that state and federal agencies acknowledge our efforts to find solutions to the widening.

Ms. Dement said she felt validated about her feelings, based on that answer and several NC DOT presentations concerning the construction that we should focus on the Independence area. If we sleep on this between now and Independence's widening, the Town might as well give what is on the other side of Independence Boulevard to Mint Hill. She stated that it would be her preference to spend time planning around the Independence project to enhance the Town. She stated that the Town's revenue mostly comes from Independence Boulevard. Ms. Ingrish stated that while Ms. Dement's concerns were valid, the only sizeable land area that we have to be developed is between Independence and East John Street, especially closer to Union County. Staff's concern is for this development to boom without a plan in place. There is not much vacant land along Independence Boulevard.

Mr. Johnson asked what strategies the Town could use to entice future owners to develop into other uses along Independence. Ms. Ingrish explained that the state did show us options for what kind of land would be needed for Independence construction. We recently had two cases, Newk's Restaurant and Woodie's Automotive, which wanted to develop on the land that was slated to be impacted. Both applicants were informed of the pending construction. The Newk's case wanted to develop further into the land that would be impacted, whereas Woodie's wanted to use the building as-is. They could pick up and remove their business in five to ten years if needed. As soon as the Town received information from NC DOT or other state agencies, we try to pass it along to applicants to warn them of future complications. For example, Boston Market has a driveway on Sam Newell Road and Independence Boulevard so that they will have access to Sam Newell when Independence Boulevard is impacted. Once the adjacent property is developed, they will have to share the Sam Newell access with Boston Market.

Mr. Lee asked if, because Sam Newell Road will not have access to Independence Boulevard, you will have to know as a commuter way back at Northeast Parkway that you are trying to get to the Kohl's and JC Penney in Windsor Square. Ms. Ingrish stated that was correct. Mr. Lee inquired about the newer car dealerships being developed along Independence. Ms. Ingrish stated that Charlotte changed their land use plans to allow the dealerships along Independence Boulevard because economic redevelopment with mass transit in the center is not a viable option anymore. Charlotte is also looking for alternate access to these dealership. Mr. Barley asked if the dealerships could keep their driveways until alternate access was made available. Ms. Ingrish explained that the state would need to find alternate access or compensate the dealerships for their loss.

Mr. Lee stated that he agreed with the list's priorities as presented. He asked for clarification on what the Staff would like the Planning Board to do concerning the list. Ms. Ingrish stated that Staff was looking for a recommendation to Town Council on what the top three priorities the Planning Board felt was necessary.

Mr. Pratt asked if everyone was in agreement with the current order. Mr. Lee stated that he was in agreement and asked about a construction timeline for E John Street. Ms. Ingrish stated that funding and the timeline has been pushed earlier for the portion from downtown Matthews to I-485. It could be bumped further up the priority list for funding in the next few months. Mr. Johnson agreed with the priorities listed as well.

Mr. Lee made a motion that the Planning Board recommend that the Planning Staff dedicate resources to creating small area plans for E John Street to downtown Matthews and East John Street to the county line as the number one and two priorities. Additional resources could be allotted to Northeast Parkway and the other options as they were made available. Mr. Markiewitz seconded the motion. The motion passed unanimously.

Mr. Johnson stated that a further concern of his was the bigger companies on the other side of Matthews from Town Hall discussing the future of Independence Boulevard and deciding to remove themselves from the Town in order to not deal with the construction.

ADJOURNMENT

Mr. Barley made a motion to adjourn the meeting at 8:14 p.m. Mr. Johnson seconded the motion and it carried unanimously.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Betty Lynd".

Betty Lynd
Zoning Technician/ Deputy Town Clerk